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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventeenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 32nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 19 November 1997, at 3 p.m.

Chairperson: Mr. CEAUSU

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RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES

* The summary record of the second part (closed) of the meeting appears as document E/C.12/1997/SR.32/Add.1.

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GE.97-19407 (E)

The meeting was called to order at 3.10 p.m.

RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES (agenda item 5)

1. The CHAIRPERSON invited Mrs. Jimenez Butraqueño to present her report on the work of the Committee on the Elimination of Discrimination Against Women.

2. Mrs. JIMENEZ BUTRAGUEÑO said that, at the opening meeting of its seventeenth session, the Committee on the Elimination of Discrimination Against Women (CEDAW) had been informed that the Commission on the Status of Women had considered the draft optional protocol concerning the Convention on the Elimination of All Forms of Discrimination against Women and had selected violence against women, women in armed conflicts and the rights of women and girls as priority topics. In that connection, the Commission had organized a number of preparatory meetings, including one in Toronto on the persecution of women, one in Finland on the economic and social rights of women and one in Addis Ababa on the rights of adolescent girls.

3. The Chairperson of CEDAW had reported on the organization of seminars and workshops in connection with the Convention, on the initiative of non-governmental organizations (NGOs). In particular there had been a round table in Jordan and another in Iran; the latter meeting was particularly noteworthy, as it was the first time it had been possible to discuss the Convention in Iran.

4. The Committee had considered the reports of nine countries, including Namibia and Luxembourg.

5. The Committee had welcomed the speed with which Namibia, following its long struggle for independence, had ratified the Convention. It had also welcomed the contribution of NGOs to the drafting of the report, the quality of the report and the spectacular progress made towards equality of the sexes. Examples of that progress were the law on the equality of spouses, the appointment of a woman to the post of ombudsman and the campaigns for raising awareness of the Convention among parliamentarians and civil servants. Nevertheless, the Committee had noted with concern the absence of an education programme to promote de facto equality, the low proportion of women in higher education and the high drop-out rate for schoolgirls. Other problems were the inadequacy of the legislation against rape, the presence of discrimination on the labour market and, despite the promulgation of new laws, the failure, especially in rural areas, to recognize the right of women to own land.

6. With regard to the report of Luxembourg, the Committee had stressed that the reservations expressed concerning article 7 (participation in political and public life) and article 16 (g) (equal rights for spouses as to the choice of a family name, a profession and an occupation) constituted obstacles to the implementation of the Convention. Moreover, the principle of equality of rights of both sexes was not clearly stated in the Constitution. The Committee had therefore recommended to the Government of Luxembourg the elimination of those obstacles, the promotion of greater participation by women in political and public activity, better integration of migrant and refugee women and more vigorous action to combat violence against women and sexual harassment.

7. It was interesting to note that working group 1, which had been given the task of improving the methods of work of the Committee, had stressed the need to reduce the number of reports so as to intensify collaboration between the Committee and the NGOs. Despite the improvements noted at the two most recent sessions, that collaboration had not yet been placed on an official basis. Working group 2 had decided that the adoption of general recommendations should follow a three-stage procedure: (a) general discussion devoted to the choice of topic, with the participation of specialized agencies and NGOs; (b) preparation by a member of the Committee, assisted by the Secretariat, of a preliminary draft to be considered within the working group, again in collaboration with the specialized agencies and NGOs concerned; (c) approval of the final draft by the working group and adoption of the general recommendation by the Committee in plenary session.

The public part of the meeting rose at 3.30 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventeenth session

SUMMARY RECORD OF THE 33rd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 20 November 1997, at 10 a.m.

Chairperson: Mr. RATTRAY

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CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Third periodic report of Iraq

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

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GE.97-19417 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS (agenda item 6)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Third periodic report of Iraq (E/1994/104/Add.9; E/C.12/1994/6; E/C.12/Q/IRAQ.1; HR/CESCR/NONE/1997/3)

1. At the invitation of the Chairperson, Mr. Dhary and Mr. Salman (Iraq) took places at the Committee table.

2. Mr. DHARY (Iraq) said every effort had been made to prepare the third periodic report (E/1994/104/Add.9), covering major developments in Iraq since the second report. It had been prepared in a systematic way in accordance with the Committee's guidelines, despite the difficulties involved in gathering the relevant information, the radical changes that had taken place and the deterioration in the general situation, which had most severely affected women, children and older persons. He would also be providing responses to the Committee's concluding observations (E/C.12/1994/6) on its consideration of Iraq's second periodic report and to its General Comment No. 6 (1995) (E/1996/22, annex IV) on the economic, social and cultural rights of older persons. In addition, Iraq had provided written replies to the list of issues (E/C.12/Q/IRAQ.1). Lastly, he drew attention to the study on the effects of the embargo on the educational sector in Iraq, which had been submitted to the Centre for Human Rights.

3. He reaffirmed Iraq's commitment to constructive and effective dialogue, as had been demonstrated by the Iraqi Minister for Foreign Affairs in response to the note of 18 August 1997 from the High Commissioner for Human Rights. That commitment had been respected in Iraq's reports to the various international treaty bodies and was a reflection of the political will to promote human rights throughout Iraq. His country had the highest confidence in the legal and technical expertise of the members of the Committee and in their understanding of the situation regarding economic, social and cultural rights in Iraq, the subject of the mission by its rapporteurs.

4. In the light of the suggestions and recommendations contained in the Committee's concluding observations (E/C.12/1994/6), particularly in paragraph 15, which made reference to General Comment No. 3 (1990) on the nature of States parties' obligations, there was quite clearly a need for States parties, the United Nations or the Security Council not to impede other States' efforts to implement the rights enunciated in the two Covenants, especially those contained in common article 1, the identical wording of the article in each Covenant emphasized the importance of the relevant provisions. In that context, the embargo that for the past seven years had weighed so heavily on the more than 22 million people living in the country had systematically deprived Iraq and its people of their rights under article 1 of the Covenants. The embargo had been imposed and had continued for so many years in order to further the aims of certain parties seeking to undermine Iraq's constitutional powers and destroy its economic, social and cultural infrastructure. It had severely damaged Iraqi society and posed a threat to

future generations. It was tantamount to genocide and thus a violation of the Convention on the Prevention and Punishment of the Crime of Genocide (1948).

5. The figures given in Iraq's report (E/1994/104/Add.9), particularly those in paragraphs 69-79 and 105-124, which had been verified by international organizations, showed the harm done by such action. The percentage of children with a birth weight below 2.5 kilos had risen from 4.5 per cent in 1990 to 24 per cent in 1997. The number of deaths among children under five years of age to June 1997 was 325,963 and among children over five during the same period was 854,629 - a total of over a million deaths caused by malnutrition and the reduction in health services. The numbers had continued to increase in the meanwhile.

6. Despite international agreements and resolutions enjoining respect for national sovereignty, three northern provinces had been seized by force through unilateral action by the United States and the United Kingdom. That action had prevented Iraq from fulfilling its domestic and international commitments to the inhabitants; there was much suffering in those provinces. In another oppressive move against the Iraqi people, the United States had unilaterally imposed no-fly zones in the north and south of the country. The International Court of Justice had shown its rejection of such tactics by its ruling of 27 June 1986 in the dispute between the United States and Nicaragua, which stated in paragraphs 263 and 268 that resort to force was not an appropriate method for ensuring guarantees of respect for human rights and States were free to choose their political regime. It might prove necessary to address the subject of the way in which the United States treated Iraq.

7. With reference to the exchange of oil for food, medicines and other needs under the Memorandum of Understanding of 20 May 1996 between Iraq and the United Nations and Security Council resolutions 986 (1995) and 111 (1997), obstacles were purposely put in the path of implementation. Just one State on the committee supervising the exchange was opposed to the use of contracts to buy medicines and food. Furthermore, the amount received from the sale of oil was reduced by payments to the Compensation Fund and payment of the salaries of the United Nations officials concerned. The food and medicines thus obtained did not allow the minimum standards recognized by international organizations as necessary to meet basic needs. The fact that the Iraqi people were living below the poverty line had been recognized by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolutions of August 1996 and August 1997.

8. The Government of Iraq took its responsibilities seriously in applying economic, social and cultural measures so that the people, who numbered just over 22 million according to an October 1997 census, could enjoy their rights under the Covenant. In that regard, the third periodic report covered the human rights situation relating to implementation of articles 1 to 5 of the Covenant (paras. 1-16), the right to work (paras. 17-46), guaranteed by Labour Act No. 71 of 1987 and implementation by Iraq of the many ILO conventions to which it was party, and trade union rights (paras. 47-56), where the rights to form and join trade unions and to strike were upheld by Iraqi law. In the case of the right to social security (paras. 57-79), the relevant ILO conventions were noted and the national social security system described, as was the severe erosion of benefits by the embargo, particularly in relation to

occupational health. In regard to protection of the family (paras. 80-90), Iraq was party to a number of international instruments. Under domestic law, Social Welfare Act No. 126 of 1980 ensured that families were shielded from the effects of poverty; Iraq supported the family and the rights of women at work. The section on the right to an adequate standard of living (paras. 91-147) gave an indication of the disastrous situation prevailing in the wake of the embargo, as had been attested in reports by international organizations and bodies within Iraq. It was not only the Iraqi people but also the very principles of human rights that were the victims of that policy. Formerly, Iraq had succeeded in eradicating many communicable diseases, was combating illiteracy and promoting education, but as a result of the embargo much disease and many other problems had returned.

9. In addition to its report, Iraq wished to comment on its response to General Comment No. 6 (1995), on the economic, social and cultural rights of older persons. With regard to the introduction (paras. 1-3), the average age of older persons had been falling in Iraq as a result of the decline in health care and access to medicines - provided free of charge to older persons - following the embargo. Implementation of the plan for older persons and other action in favour of older persons mentioned in the Comment (paras. 4-8) was running into great difficulties because of the embargo. As part of the active participation of older persons in policy formulation and implementation and in sharing their knowledge and skills with younger generations (para. 5), older persons were encouraged to take part in institutions such as academies of science or language and to carry on teaching in universities and scientific institutes. Retired civil servants had an opportunity to continue to work under the same conditions as they had enjoyed previously or under contract. For example, a number of judges who had retired recently had been re-appointed so that the courts could benefit from their experience. A reserve service department was attached to the President's Office and senior civil and military officials were transferred to it upon retirement. Older persons in Iraq enjoyed full civil and political rights. Traditional values made sure that they enjoyed high status within the family and they also had the opportunity to make a financial contribution to family life. Older women were treated no differently, for there was no discrimination. Iraq shared the view (para. 13) that there was a need for an international convention on the rights of older persons and welcomed the call (paras. 16-19) for States parties to fulfil the obligations they had assumed under the Covenant in respect of older persons.

10. With reference to the General Comment and articles 9, 10, 11 and 12 of the Covenant (paras. 26-35), Iraq had covered those matters in its report. It should be emphasized, however, that most older persons in Iraq lived at home in an atmosphere of respect.

11. As to articles 13, 14 and 15 (paras. 36-42), Iraqi law set age limits on admission to universities and scientific institutions. Iraq abided by the recommendations of the Vienna Declaration and Programme of Action, and had a permanent educational system that was in keeping with its own social and religious traditions. It should be made clear that admission requirements for universities and other institutions were based on achievement. Statistics compiled on students of the Law Institute showed that they had been admitted without discrimination on the grounds of religious or national heritage:

among the graduates were Kurds, Turkomen, Christians and Muslims. The fundamental principles of human rights had been incorporated in the curricula of the Law Institute, universities and schools and teacher training seminars.

12. The allegation, made in paragraph 12 of the concluding observations (E/C.12/1994/6), that the Iraqi Government was destroying the cultural heritage of certain religious minorities, was entirely groundless. In fact, there was a university in the autonomous Kurdish regions. Although books were published in Turkoman and Kurdish, their numbers were few, since publication in all languages was adversely affected by the embargo.

13. The term "Marsh Arabs", found in paragraph 14 of the concluding observations, was based on a typographical error. The marsh people were Iraqis, lived in the southern part of the country, and had traditionally not been subject to oppression of any kind. Under its current policy, the Iraqi Government encouraged them to live in compliance with certain standards of civilized life, so that they could benefit from health and educational services. The delegation was fully prepared to conduct a detailed discussion on that matter.

14. The CHAIRMAN said that events in Iraq were now a matter of public record and were being closely monitored by various bodies within the United Nations system. All members of the human community looked forward to a satisfactory resolution. Iraq had raised fundamental issues of sovereignty. The Committee was not in a position to formulate a view on that matter. Its task was to assess the extent to which the terms of the Covenant were being fulfilled under the present circumstances.

15. Mr. RIEDEL said that certain remarks by the Iraqi delegation must not go unanswered. Iraq had stated that the Security Council was undermining its constitutional power and yet, only Iraq itself could end the embargo and its deplorable consequences for the Iraqi people by complying with the provisions of Security Council resolution No. 661 (1990). The Iraqi people were indeed entirely in the hands of their Government. For the embargo to be lifted, that country must allow United Nations inspectors to supervise, unhindered, the dismantling of weapons of mass destruction, including in particular the B and C weapons, which constituted a tremendous threat to world peace. Critically, the number of weapons dismantled since 1991 exceeded those deployed during the entire 1991 conflict. The tentative agreement reached earlier in the day was at least a sign of hope that the Iraqi Government was moving in the right direction. He wholly rejected the allegation that the Coalition Alliance was creating a genocidal effect. The word "genocide" was a serious one; as a German, he knew full well what it entailed. The Iraqi Government, by refusing to comply with the Security Council of the United Nations - and not, as suggested, with the United States of America - was imposing those tragic circumstances on the people. In his view, it was cynical to invoke the plight of the Iraqi people while at the same time refusing to abide by those obligations.

16. The Committee was indeed not the proper forum for such a debate. Every effort should be made to discuss the fulfilment of the rights established under the Covenant without casting blame and without reference to the embargo.

17. Mr. TEXIER said that each member surely had his own opinion. For his part, he supported an embargo on weapons, but not on goods that affected the lives of the Iraqi people. The question, however, was beyond the purview of the Committee. Although the embargo had surely had adverse effects on the population of Iraq, it was not the sole cause of Iraq's problems. Paragraph 4 of the list of issues (E/C.12/Q/IRAQ.1) requested Iraq to discuss the economic, social and cultural rights of ethnic minorities. The Government's extremely brief written reply merely stated that such rights were extended to all Iraqi citizens without discrimination. The report on the situation of human rights in Iraq submitted by the Special Rapporteur to the Commission on Human Rights (E/CN.4/1993/45) had stated that five different non-dominant groups, the Assyrians, Kurds, Ma'dan, Shi'a and Turkomen, had all suffered from grave violations of human rights on ethnic grounds, although their religious affiliations were not insignificant facts. The Special Rapporteur's report of 1996 (E/CN.4/1996/61) had indicated that discrimination was practised in Iraq on a regular basis, that the central cities, especially Tikrit, Samar and parts of Baghdad, received a disproportionate amount of the scant available resources, and that the infrastructure of the southern cities lagged far behind that of the central part of the country. That report had also urged the Government to end its internal economic embargo on the northern regions, as well as discriminatory practices that restricted access to food and health care in the southern region. The Special Rapporteur's 1994 report (E/CN.4/1994/58) had cited violations of the right to property, including mass deportations, and the confiscation of property and goods. The Human Rights Watch Report of 1996 had made a similar analysis, stating that the homes of Turkomen had been confiscated and that Shi'a had been prevented from buying homes in Baghdad or expelled from the city.

18. It was clear that not all of Iraq's ills could be blamed on the United Nations embargo. The task of the Committee was to come as close to the truth as possible. Furthermore, a discussion based on the Iraqi Constitution would probably not be useful. Like all constitutions, it simply enunciated the rights of the people of that country.

19. Mr. THAPALIA said that it would be useful to know to what extent the Covenant was valid in legal terms and, in particular, whether individuals could invoke it before the courts; whether Iraqi legislation that failed to abide by the terms of the Covenant became invalid; and whether the higher court had the power to annul legislation and presidential orders that were incompatible with the Covenant. The Committee wished to ensure that the Covenant took precedence over domestic legislation.

20. Secondly, it would be helpful to know the Government's position on the recommendation of the World Conference on Human Rights with regard to the drafting of an optional protocol to the Covenant. Thirdly, Iraq's written replies indicated that a human rights commission had been established in the National Assembly. Were there any citizen-based human rights organizations or independent NGOs, whose views might differ from those of the Government? If such independent bodies existed, what role did they play in the preparation of the report?

21. Mr. CEAUSU said that allegations contained in the report and the written replies to the list of issues called for some response. The Iraqi delegation

should be reminded that the Committee was made up of a group of experts elected by a main organ of the United Nations and, as such, was obliged to respect the decisions taken by the United Nations. The Committee was convened not to hear accusations against the United Nations or to examine decisions of the Security Council but to evaluate fulfilment by States parties of their obligations under the Covenant. All the requisite documents had been compiled to allow for a truitful dialogue with the State party. The third report, in paragraph 14, effectively acknowledged that there were reasons for the imposition of the economic embargo. It fell not to the State party but to the Security Council to determine whether all the pertinent conditions had been fulfilled for lifting the embargo. He hoped that those conditions would soon be met, so that the Iraqi Government would be in a position to fulfil all its obligations under the Covenant.

22. The CHAIRPERSON said that it was not for the Committee to make a determination on the embargo. Its task was to assess how Iraq was complying with its obligations under the Covenant. Whether or not certain factors or difficulties should be taken into account in justifying action by the Government of Iraq would be more appropriately discussed solely among the members. The dialogue should not be fragmented. The Committee already had enough information to reach a conclusion.

23. Mr. GRISSA said that the Committee's job was to consider whether Iraq was fulfilling its obligations under the Covenant. As the Chairperson had rightly pointed out, if there were certain factors which prevented Iraq from doing so, the Committee would take them into consideration. The embargo was a fact, but it was not the Committee's role to assess whether it was justified.

24. Mr. ANTANOVICH said that Iraq should not overemphasize the issue of the embargo, which had been imposed for specific reasons. Every member sympathized with Iraq because of the difficulties it was experiencing in feeding the population. But no country could disregard United Nations resolutions. The Committee should focus its attention on the report.

25. As to paragraph 5 of the list of issues, what specific measures had Iraq adopted in order better to inform the public of the rights recognized in the Covenant? In particular, did NGOs play a role in preparing the report submitted to the Committee? How did the Government and NGOs cooperate in publicizing the Covenant and what NGOs were most active in that area?

26. Mr. SADI said that it was inconceivable for the Committee to fail to take notice of the embargo when discussing Iraq. He agreed with Mr. Texier that some rights under the Covenant were affected by the embargo, while others were not.

27. Paragraph 5 of the third report indicated that infant mortality had increased dramatically due to the shortage of food and medicine. Why was it not possible to provide for those needs locally? Surely, food and even certain basic medicines could be produced in the country. Again, it was not enough to say that all international treaties entered into force through the promulgation of enactments (HR/CESCR/NONE/1997/3, sect. I, para. 1). That was too general a remark. The Committee wanted to know specifically how the

Covenant was given the force of law. Could examples be cited to illustrate that the people of Iraq were, in fact, being made cognizant of their rights under the Covenant?

28. Concerning equality between men and women, which clearly was unaffected by the sanctions, he asked why the percentages for women's representation in the various political parties and the Government were so low. Iraq might well have a better record in that regard than other countries in the region, but from the Committee's standpoint, those figures were insufficient.

29. Lastly, the timing for the consideration of Iraq's report could not have been worse. It was not possible to discuss the economic, cultural and social rights of people when they were more or less in a state of war and the State's authority did not extend to all parts of the national territory.

30. Mrs. BONOAN-DANDAN noted that paragraph 6 of the Committee's concluding observations (E/C.12/1994/6) had stressed that, whatever the difficulties caused by the economic embargo, the State party should nonetheless do everything possible to promote the realization of the Covenant to the maximum of its available resources. That was the basic premise upon which the debate in the Committee should take place, and the discussion on whether or not the embargo was to blame for the situation regarding economic, social and cultural rights in Iraq should be closed. She agreed with Mr. Antanovich that all members sympathized with the Iraqi people about the effects of the embargo. The Committee's task was not to pass judgement, but to help the Government of Iraq ensure the enjoyment of the economic, cultural and social rights of the people.

31. In her opinion, Iraq's replies to the questions on the general framework of implementation of the Covenant were too perfunctory and dismissive. For example, was there any interaction between the human rights commission and the NGO referred to in paragraph 2 of the replies on that matter? Could further details be provided in support of the assertion in paragraph 4 that there was no discrimination on grounds of race or geographical location? What was important was not that there were difficulties, but that they were being addressed.

32. Mr. WIMER said that, as far as he was concerned, the embargo had been a serious mistake. Just because the Committee was not a political body did not mean it should ignore the fact that such sanctions had a disastrous impact on the enjoyment of economic, cultural and social rights. Nevertheless, the embargo was not to blame for all of Iraq's ills.

33. The Committee had received from various sources reports of religious discrimination and discrimination against national minorities, a subject on which the Government's reply to articles 1 to 5 had made no reference. Why had no indication been given as to what Iraq's policy was in that regard, and what showed that there was no such discrimination? As for the Iraqi reply contained in document L/HR/94/94, it was strange that paragraph 1 of the Spanish version should speak of Judaism as a sect (secta judía), a word which normally had a pejorative connotation.

34. Referring to paragraph 2 of that reply, he asked the delegation to inform the Committee whether there was any new information on investigations to establish the whereabouts of the Syrian bishop Youssuf Ghanim. It was odd that the Government of Iraq should be unable to find out what had happened to a person of such international standing.

35. As for the explanation in paragraph 4 of the same reply, it did not seem plausible that students could simply be transferred from one university to another. The explanation given was inadequate.

36. Mr. KOUZNETSOV asked the delegation to convey to the Government the Committee's strong disagreement with the accusation of genocide contained in paragraphs 13 and 14 of Iraq's third report. The Convention on the Prevention and Punishment of the Crime of Genocide had nothing in common with what was happening in Iraq; the coalition had no intention of doing away with the Iraqi people.

37. The Committee was in a difficult position. On the one hand, it was not meeting to judge the United Nations, but on the other, the embargo had had a serious impact on the ability of the Government of Iraq to comply with its obligations under the Covenant. Both those aspects must be borne in mind when considering the Iraqi report. In that connection, he drew the Iraqi delegation's attention to paragraph 10 of General Comment No. 3 (1990), according to which there was a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights incumbent upon every State party, and that any assessment as to whether a State had discharged its minimum core obligation must also take account of resource constraints applying within the country concerned. That had a direct bearing on the situation in Iraq today. Pursuant to that same paragraph 10, the delegation of Iraq must demonstrate that every effort had been made to use all resources that were at its disposal to satisfy, as a matter of priority, those minimum obligations.

38. Paragraph 5 of the replies by the Government of Iraq having been couched in very general terms, could the Iraqi delegation cite specific examples of measures taken to promote public awareness of the Covenant? Another question related to article 2, on non-discrimination. Many members of the Committee had pointed out that the Covenant contained obligations which did not require considerable resources. Ensuring non-discrimination was one such case. Could the delegation give instances of legislation enacted to expand upon the general precepts set forth in the Constitution? Some information had been provided in the replies to the list of issues (HR/CESCR/NONE/1997/3) regarding the status of women, but he was curious to know how other minority groups had been treated. Several sources had reported the practice of discrimination against certain groups, including the Kurdish population in the north. Could specific examples be given to refute those claims? Non-discrimination was the backbone of the Covenant.

39. Mr. ADEKUOYE said he acknowledged that the delegation was appearing before the Committee at a difficult time in the history of Iraq. He hoped that the long-standing crisis would soon be resolved so that the people of Iraq could again enjoy peace, stability and progress.

40. Without passing a subjective personal judgement, he regarded the economic embargo as a matter of fact which had restricted imports and crippled exports. Since the majority of Iraq's foreign exchange earnings stemmed from petroleum exports, it was evident that, under the embargo, the country's resources had been depleted. Article 2 of the Covenant accepted that the obligations of States parties could be reasonably fulfilled only if resources were available to them. However, respect for human rights was one aspect of the Covenant that did not require large resources. Paragraph 2 (a) of Commission on Human Rights resolution 1997/60 had said that massive and extremely grave violations of human rights and of international humanitarian law had resulted in all-pervasive repression and oppression, sustained by broad-based discrimination and widespread terror.

41. The reply to paragraph 2 of the list of issues (E/C.12/Q/IRAQ.1) stated that a human rights commission had been formed in the National Assembly and that an NGO called the Human Rights Association had been established in the early 1960s. In his view, that response was too general. How independent was the national commission, who were the executives serving on it, and what were the rules of procedure? He would also like to know whether the Commission's decisions had force of law, or whether they had only advisory status.

42. Mr. RIEDEL, elaborating on Mrs. Bonoan-Dandan's comment concerning the general framework of implementation of the Covenant, said he would like to know to what extent NGOs participated in the preparation of the periodic report. What was meant in paragraph 6 of the replies (HR/CESCR/NONE/1997/3) by the statement that the Human Rights Association "helped to prepare" the report or that the General Federation of Iraqi Women played a "notable role" in the process?

43. Mrs. JIMENEZ BUTRAGUEÑO said that it was gratifying to extend a welcome to the delegation at a time which was doubtless difficult for Iraq.

44. She asked whether there was a constitutional court before which individuals could seek redress for violations of their constitutional rights. Many interesting points had been made in the oral presentation and she was particularly impressed by the positive measures adopted in favour of the elderly. She asked whether the delegation could provide her with a copy of the statement delivered by the representative of Iraq.

45. Mr. CEAUSU said that he was obliged to clarify his position on the Security Council resolutions mentioned earlier. It was clear that, in its peacekeeping role, the Council could adopt resolutions which were binding on States Members and also on United Nations organs. Accordingly, such decisions could neither be ignored nor could their grounds be called into question.

46. Admittedly, everyone was free to hold his own opinion, but States, Governments and politicians had a choice in complying with resolutions. If a Member State decided not to respect them, it must evaluate the consequences of such a political decision. In the event of adverse consequences, the United Nations should not be blamed, since that was how the Organization operated under the Charter.

47. Mr. WIMER, speaking on a point of order, said he had been of the impression that the Committee had agreed to set aside personal opinions and not to revert to a discussion of the political aspect of the Iraqi issue.

48. Mr. GRISSA, also speaking on a point of order, said that he objected to being lectured about the rules of the United Nations. The Committee had a mandate that was confined to addressing matters pertaining to the Covenant.

49. The CHAIRPERSON said he agreed that broad consensus had been reached earlier that the Committee's mandate required members to examine reports to determine the extent to which States parties were complying with the Covenant. The sanctions imposed on Iraq were a reality. In view of the fact that the Covenant established standards by which judgement would take place in the context of available resources, members had decided not to raise the question of the validity or invalidity of sanctions or legal or other effects. He asked Mr. Ceausu not to continue to raise the issue, assuring him that there would be more appropriate forums in which to exchange views on that interesting question.

50. Mr. CEAUSU said he had considered it his duty to clarify his position. A member of a United Nations Committee was free to express his or her point of view, however unpopular. He assured Mr. Grissa that he had not intended to deliver a lecture on the subject, rather, his intention was simply to express himself on a matter of principle which had nothing to do with the situation in Iraq. He believed that in so doing, his colleagues would have a better understanding of his comments and observations.

51. The CHAIRPERSON said that it was inappropriate for the Committee to pursue the matter and he also urged the Iraqi delegation to proceed accordingly. The Committee had noted the reality of the embargo and it was in the context of the constraints imposed and the resources Iraq had at its disposal that fulfilment of the provisions of the Covenant would be considered. Perhaps the delegation would first respond to the questions posed on the general framework of implementation of the Covenant, before going on to issues relating to specific provisions.

52. Mr. DHARY (Iraq) pointed out that neither his Government's report nor his oral presentation contained any hint of doubts or reservations about the resolutions of the Security Council. He had simply intended to describe the day-to-day reality of the Iraqis, because their plight was tied in with his Government's capacity to implement the provisions of the Covenant. He had not referred to the economic embargo as a political embargo and he wished to state categorically that Iraq fully respected all international resolutions.

53. Iraq wanted to make every effort to implement the Covenant. His delegation had come before the Committee, first and foremost, to benefit from the experience of its members and to hear their views on the human rights situation in Iraq, bearing in mind present circumstances. Political and civil matters fell within the purview of the International Covenant on Civil and Political Rights.

54. Actually, article 1, paragraph 2 of both Covenants affirmed the right of all peoples freely to dispose of their natural wealth and resources and not to

be deprived of their means of subsistence. The purpose of his introduction had been to explain how the economic embargo deprived the country of resources from petroleum exports, thereby diminishing the means available to the Government to meet the essential needs of the Iraqi people. The Covenant was clearly based on the right of a society to live freely and in full security. How would it be possible for a people to live without resources to meet its needs? Iraq was a developing country and could not live in isolation from the world.

55. With regard to the questions posed on various kinds of discrimination, the distribution of foodstuffs and cleaning products was governed by an agreement between the United Nations and the Iraqi Government. Indeed, Iraq could not import educational materials - even pencils - for schools and universities, nor was it allowed to import ambulances for use in the health sector. He could do no more than reiterate that Iraq stood in dire need of resources to better implement the provisions of the Covenant.

56. The CHAIRPERSON asked whether the delegation could explain the distribution procedure, within the context of all available resources. Was there selective distribution or discrimination against certain groups of the population?

57. Mr. DHARY (Iraq) asked how the authorities could discriminate in the distribution of limited food supplies, and why were those products so important that the Committee was focusing on them? The communities in the north of Iraq were currently beyond the framework of Iraqi sovereignty and therefore beyond the control of the Government. How could the Iraqi Government be expected to discharge its obligations under such circumstances? He explained that distribution of foodstuffs in other provinces was supervised by several international organizations, mainly the Food and Agriculture Organization, according to a ration-card system which covered all of the Iraqi territory that was under the de facto sovereignty of the Government. Special forms had been issued so that everyone would receive provisions, on the basis of the quantities available to the Iraqi Government under principles of international law.

The meeting rose at 1 p.m.